

117TH CONGRESS
1ST SESSION

S. 1977

To amend title XIX of the Social Security Act to provide Medicaid coverage for all pregnant and postpartum women, to provide coverage under the Medicaid program for services provided by doulas, midwives, and lactation consultants, and for other purposes.

IN THE SENATE OF THE UNITED STATES

JUNE 8, 2021

Mr. CASEY introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend title XIX of the Social Security Act to provide Medicaid coverage for all pregnant and postpartum women, to provide coverage under the Medicaid program for services provided by doulas, midwives, and lactation consultants, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-
2 tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Improving Coverage
5 and Care for Mothers Act”.

1 **SEC. 2. EXTENDING MEDICAID ELIGIBILITY TO ALL PREG-**

2 **NANT WOMEN.**

3 (a) IN GENERAL.—Section 1905(n)(1) of the Social

4 Security Act (42 U.S.C. 1396d(n)(1)) is amended to read

5 as follows:

6 “(1) a woman who is pregnant and through the
7 end of the month in which the 365-day period (be-
8 ginning on the last day of her pregnancy) ends;
9 and”.

10 (b) CONFORMING AMENDMENTS.—Title XIX of the

11 Social Security Act (42 U.S.C. 1396 et seq.) is amended—

12 (1) in section 1902—

13 (A) in subsection (a)(10)(C)—

14 (i) in clause (ii), by striking “must
15 make available medical assistance—” and
16 all that follows through “individual de-
17 scribed in subparagraph (A);” and insert-
18 ing “must make available medical assist-
19 ance to individuals under the age of 18
20 who (but for income and resources) would
21 be eligible for medical assistance as an in-
22 dividual described in subparagraph
23 (A)(i);”; and

24 (ii) in clause (iii)—

1 (I) by striking “must include (I)
2 with respect to” and inserting “must
3 include, with respect to”; and

4 (II) by striking “, and (II)” and
5 all that follows through “delivery serv-
6 ices”;

7 (B) in subsection (e), by striking para-
8 graph (6);

9 (C) in subsection (l)(1)(A), by inserting
10 “before January 1, 2022,” before “women dur-
11 ing pregnancy”; and

12 (D) in subsection (ii)(1)(A), by inserting
13 “that was in effect as of January 1, 2022”
14 after “pregnant women”;

15 (2) in section 1920(b)(1)(A), by striking “that
16 the family income” and all that follows through “in-
17 come level of eligibility” and inserting “that the
18 woman is eligible for medical assistance”; and

19 (3) in section 1937(a)(2)(B), by amending
20 clause (i) to read as follows:

21 “(i) QUALIFIED PREGNANT WOMEN.—
22 The individual is a qualified pregnant
23 woman (as defined in section
24 1905(n)(1)).”.

1 SEC. 3. EXTENDING CONTINUOUS MEDICAID AND CHIP

2 COVERAGE FOR PREGNANT AND POSTPAR-

3 TUM WOMEN.

4 (a) EXTENDING CONTINUOUS MEDICAID AND CHIP

5 COVERAGE FOR PREGNANT AND POSTPARTUM WOMEN.—

6 (1) MEDICAID.—Title XIX of the Social Secu-

7 rity Act (42 U.S.C. 1396 et seq.) is amended—

8 (A) in section 1902(e)—

9 (i) in paragraph (5), by striking “60-
10 day period” and inserting “365-day pe-
11 riod”; and12 (ii) in paragraph (16), by striking “At
13 the option of the State” and inserting “Be-
14 fore January 1, 2022, at the option of the
15 State”;16 (B) in section 1902(l)(1)(A), by striking
17 “60-day period” and inserting “365-day pe-
18 riod”;19 (C) in section 1903(v)(4)(A)(i), by striking
20 “60-day period” and inserting “365-day pe-
21 riod”; and22 (D) in section 1905(a), in the 4th sentence
23 in the matter following paragraph (30)—24 (i) by striking “60-day period” and
25 inserting “365-day period”; and

1 (ii) by striking “subdivision (B) fol-
2 lowing paragraph (30)” and inserting
3 “subdivision (B) following paragraph
4 (32)”.

5 (2) CHIP.—Section 2112 of the Social Security
6 Act (42 U.S.C. 1397ll) is amended by striking “60-
7 day period” each place it appears and inserting
8 “365-day period”.

9 (3) CONFORMING AMENDMENT.—Section
10 1938(b)(2)(C) of the Social Security Act (42 U.S.C.
11 1396u-8(b)(2)(C)) is amended by striking “previous
12 60 days” and inserting “previous 365 days”.

13 (b) REQUIRING FULL BENEFITS FOR PREGNANT
14 AND POSTPARTUM WOMEN.—

15 (1) MEDICAID.—

16 (A) IN GENERAL.—Paragraph (5) of sec-
17 tion 1902(e) of the Social Security Act (24
18 U.S.C. 1396a(e)) is amended to read as follows:
19 “(5) Any woman who is eligible for medical as-
20 sistance under the State plan or a waiver of such
21 plan and who is, or who while so eligible becomes,
22 pregnant, shall continue to be eligible under the plan
23 or waiver for medical assistance through the end of
24 the month in which the 365-day period (beginning
25 on the last day of her pregnancy) ends, regardless

1 of the basis for the woman’s eligibility for medical
2 assistance, including if the woman’s eligibility for
3 medical assistance is on the basis of being preg-
4 nant.”.

5 (B) CONFORMING AMENDMENT.—Section
6 1902(a)(10) of the Social Security Act (42
7 U.S.C. 1396a(a)(10)) is amended in the matter
8 following subparagraph (G) by striking “(VII)
9 the medical assistance” and all that follows
10 through “complicate pregnancy.”.

11 (2) CHIP.—Section 2107(e)(1)(J) of the Social
12 Security Act (42 U.S.C. 1397gg(e)(1)(J)) is amend-
13 ed—

14 (A) by inserting “, before January 1,
15 2022,” before “(16) of section 1902(e)”;

16 (B) by striking “(relating to” and all that
17 follows through the period and inserting “(re-
18 lating to the provision of medical assistance to
19 pregnant women during pregnancy and the
20 365-day postpartum period under title XIX).”

21 **SEC. 4. MEDICAID COVERAGE OF SERVICES PROVIDED BY**
22 **DOULAS, MIDWIVES, AND LACTATION CON-**
23 **SULTANTS.**

24 (a) IN GENERAL.—Section 1905 of the Social Secu-
25 rity Act (42 U.S.C. 1396d) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (30), by striking “and”
3 at the end;

4 (B) by redesignating paragraph (31) as
5 paragraph (32); and

6 (C) by inserting after paragraph (30) the
7 following new paragraph:

8 “(31) services, including—

9 “(A) prenatal, delivery, postpartum, and
10 lactation consulting services, provided by
11 doulas, midwives, and lactation consultants (as
12 those terms are defined in subsection (jj)) to
13 the extent authorized under State law; and

14 “(B) services included in the components
15 of postpartum care identified by the American
16 College of Obstetricians and Gynecologists in
17 Committee Opinion Number 736 published in
18 May of 2018 (or any successor opinion or publi-
19 cation); and”; and

20 (2) by adding at the end the following new sub-
21 section:

22 “(jj) DOULAS AND MIDWIVES DEFINED.—For pur-
23 poses of subsection (a)(31):

24 “(1) DOULAS DEFINED.—The term ‘doula’
25 means an individual who—

1 “(A) is certified by an organization, which
2 has been established for not less than 5 years
3 and which requires the completion of continuing
4 education to maintain such certification, to pro-
5 vide non-medical advice, information, emotional
6 support, and physical comfort to an individual
7 during such individual’s pregnancy, childbirth,
8 and postpartum period; and

9 “(B) maintains such certification by com-
10 pleting such required continuing education.

11 “(2) MIDWIVES DEFINED.—

12 “(A) IN GENERAL.—The term ‘midwife’
13 means a certified midwife, certified professional
14 midwife, and Tribal-recognized midwife.

15 “(B) CERTIFIED MIDWIFE.—For purposes
16 of subparagraph (A), the term ‘certified mid-
17 wife’ means an individual who is certified by the
18 American Midwifery Certification Board to
19 practice midwifery.

20 “(C) CERTIFIED PROFESSIONAL MID-
21 WIFE.—For purposes of subparagraph (A), the
22 term ‘certified professional midwife’ means an
23 individual who—

24 “(i) is certified by the North Amer-
25 ican Registry of Midwives to practice mid-

1 wifery for normal, low-risk pregnancies and
2 childbirths;

3 “(ii) completes—

4 “(I) a midwifery education pro-
5 gram accredited by the Midwifery
6 Education and Accreditation Council
7 or any other entity recognized by the
8 Department of Education; or

9 “(II) the requirements to obtain
10 a Midwifery Bridge Certificate from
11 the North American Registry of Mid-
12 wives; and

13 “(iii) maintains the certification de-
14 scribed in clause (i) by completing any re-
15 quired continuing education for such cer-
16 tification.

17 “(D) TRIBAL-RECOGNIZED MIDWIFE.—For
18 purposes of subparagraph (A), the term ‘Tribal-
19 recognized midwife’ means an individual who is
20 recognized by an Indian tribe (as defined in
21 section 4 of the Indian Health Care Improve-
22 ment Act) to practice midwifery for such tribe.

23 “(3) LACTATION CONSULTANT DEFINED.—The
24 term ‘lactation consultant’ means an individual who
25 is a specialist who—

1 “(A) is trained to—
2 “(i) focus on the needs and concerns
3 of a breastfeeding mother and baby; and
4 “(ii) prevent, recognize, and solve
5 breastfeeding difficulties;
6 “(B) is certified by an organization, which
7 has been established for not less than 5 years
8 and which requires the completion of continuing
9 education to maintain such certification, to pro-
10 vide lactation consulting services; and
11 “(C) maintains such certification by com-
12 pleting such required continuing education.”.

13 (b) REQUIRING MANDATORY COVERAGE UNDER
14 STATE PLAN.—Section 1902(a)(10)(A) of the Social Se-
15 curity Act (42 U.S.C. 1396a(a)(10)(A)) is amended, in the
16 matter preceding clause (i), by striking “and (30)” and
17 inserting “(30), and (31)”.

18 **SEC. 5. INCREASED FMAP FOR ADDITIONAL EXPENDI-
19 TURES.**

20 Section 1905 of the Social Security Act (42 U.S.C.
21 1396d), as amended by section 4, is further amended—
22 (1) in subsection (b), by striking “and (ii)” and
23 inserting “(ii), and (kk)”;
24 (2) by adding at the end the following:

1 “(kk) INCREASED FMAP FOR ADDITIONAL EXPEND-
2 ITURES FOR MEDICAL ASSISTANCE TO PREGNANT AND
3 POSTPARTUM WOMEN.—For calendar quarters beginning
4 on or after January 1, 2022, notwithstanding subsection
5 (b), the Federal medical assistance percentage for a State,
6 with respect to the additional amounts expended by such
7 State for medical assistance under the State plan under
8 this title or a waiver of such plan that are attributable
9 to requirements imposed by the amendments made by the
10 Improving Coverage and Care for Mothers Act (as deter-
11 mined by the Secretary), shall be equal to 100 percent.”.

12 **SEC. 6. EFFECTIVE DATE.**

13 (a) IN GENERAL.—Subject to subsection (b), the
14 amendments made by this Act shall apply with respect to
15 medical assistance furnished on or after January 1, 2022.

16 (b) EXCEPTION FOR STATE LEGISLATION.—In the
17 case of a State plan under title XIX of the Social Security
18 Act (42 U.S.C. 1396 et seq.) that the Secretary of Health
19 and Human Services determines requires State legislation
20 in order for the respective plan to meet any requirement
21 imposed by amendments made by this section, the respec-
22 tive plan shall not be regarded as failing to comply with
23 the requirements of such title solely on the basis of its
24 failure to meet such an additional requirement before the
25 first day of the first calendar quarter beginning after the

1 close of the first regular session of the State legislature
2 that begins after the date of the enactment of this Act.
3 For purposes of the previous sentence, in the case of a
4 State that has a 2-year legislative session, each year of
5 the session shall be considered to be a separate regular
6 session of the State legislature.

